

Message Text

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ACTION EUR-12

INFO OCT-01 NEA-10 IO-13 ISO-00 SSO-00 INRE-00 NSCE-00
USIE-00 CIAE-00 PM-05 H-01 INR-07 L-03 NSAE-00
NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-07 /083 W
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O 031040Z AUG 77
FM AMEMBASSY NICOSIA
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INFO AMEMBASSY ANKARA IMMEDIATE
AMEMBASSY ATHENS IMMEDIATE
AMEMBASSY BEIRUT IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY BONN PRIORITY
AMEMBASSY BRUSSELS PRIORITY
DIA WASHDC PRIORITY
AMEMBASSY LONDON PRIORITY
USMISSION NATO PRIORITY
AMEMBASSY PARIS PRIORITY
A/USNMR SHAPE BEL PRIORITY
USCINCEUR VAIHINGEN GER PRIORITY
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USCINCEUR FOR POLAD
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E.O. 11652: N/A
TAGS: PGOV, CY
SUBJECT: DEATH OF MAKARIOS - CONSTITUTIONAL PROVISIONS FOR
SUCCESSION

REF: (A) NICOSIA 2014 (DTG 030530Z AUG 77); (B) NICOSIA 2013
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(DTG 030610Z AUG 77)

1. SUMMARY: UNDER PROVISIONS OF THE CYPRIOT CONSTITUTION
SPYROS KYPRIANOU, PRESIDENT OF THE HOUSE OF REPRESENTATIVES,
AUTOMATICALLY BECAME ACTING PRESIDENT OF CYPRUS UPON THE DEATH
OF PRESIDENT MAKARIOS AND WILL SERVE IN THAT CAPACITY FOR UP
TO 45 DAYS UNTIL A BY-ELECTION IS HELD. IF FOR HEALTH OR

OTHER REASONS HE CANNOT SERVE OUT HIS PROVISIONAL TERM, THE HOUSE OF REPRESENTATIVES PROBABLY WILL ELECT ONE OF ITS OTHER MEMBERS AS ACTING PRESIDENT. END SUMMARY

2. THE 1960 CYPRIOT CONSTITUTION DEFINES THE OFFICE AND NATURE OF THE PRESIDENCY AND PROVIDES FOR PRESIDENTIAL SUCCESSION. ARTICLE 44 PARA 2 STATES THAT IN THE PRESIDENT'S "ABSENCE OR PENDING THE FILLING OF A VACANCY IN ANY SUCH OFFICE," THE PRESIDENT OF THE HOUSE OF REPRESENTATIVES SHALL ACT, DURING SUCH VACANCY, AS THE PRESIDENT. ARTICLE 44 PARA 4 PROVIDES THAT A BY-ELECTION "SHALL TAKE PLACE WITHIN A PERIOD NOT EXCEEDING FORTY-FIVE DAYS OF THE OCCURRENCE OF SUCH VACANCY." ARTICLE 72 PARA 3 PROVIDES THAT, IN THE ABSENCE OF THE PRESIDENT OF THE HOUSE, THE ELDEST REPRESENTATIVE "UNLESS THE REPRESENTATIVES...SHOULD OTHERWISE DECIDE" SHALL TAKE OVER THE OFFICE OF PRESIDENT OF THE HOUSE AND, BY IMPLICATION, THE PRESIDENCY UNTIL A BY-ELECTION COULD BE HELD, BUT IN ANY CASE NOT FOR LONGER THAN 45 DAYS. THUS UNDER THE TERMS OF THE CONSTITUTION, THE PRESIDENT OF THE HOUSE OF REPRESENTATIVES AND LEADER OF THE MAJORITY DEMOCRATIC PARTY, SPYROS KYPRIANOU, AUTOMATICALLY BECAME ACTING PRESIDENT UPON THE DEATH OF MAKARIOS, FOR A PERIOD NOT TO EXCEED 45 DAYS.

3. IN VIEW OF KYPRIANOU'S FRAGILE HEALTH (HE HAS BEEN HOSPITALIZED AT LEAST THREE TIMES THIS YEAR), THERE IS SPEC-
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ULATION THAT HE MIGHT BE UNABLE TO SERVE THE FULL ACTING TERM. IN SUCH A CASE, ARTICLE 72 PARA 3 PRESUMABLY WOULD BE INVOKED TO FILL THE OFFICE OF ACTING PRESIDENT WITH A MEMBER OF THE HOUSE. THE ELDEST MEMBER OF THE HOUSE OF REPRESENTATIVES AT THE PRESENT TIME IS YIANGOS POTAMITES, AGE 73, A MEMBER OF THE COMMUNIST AKEL PARTY, AND HE HAS INDEED SERVED AS ACTING PRESIDENT FOR BRIEF PERIODS IN THE PAST. HOWEVER, IT HAS BEEN CUSTOMARY FOR THE HOUSE TO ELECT ANOTHER MEMBER TO ACT AS PRESIDENT, AND IT IS GENERALLY AGREED THAT SUCH WOULD BE THE CASE IF KYPRIANOU SHOULD BE UNABLE TO SERVE OUT HIS 45-DAY ACTING TERM.

4. WE CONSIDER IT UNLIKELY THAT KYPRIANOU WOULD GIVE UP HIS POSITION AS ACTING PRESIDENT EXCEPT FOR DIREST REASONS OF HEALTH AND EXPECT HIM TO MAKE EVERY EFFORT TO SERVE OUT HIS PROVISIONAL TERM, BOTH TO FURTHER HIS OWN AMBITIONS AND TO PROVIDE A MEASURE OF CONTINUITY AND STABILITY DURING AN UNCERTAIN AND TROUBLESOME PERIOD.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL LAW, PRESIDENTIAL SUCCESSION, DEATH IN OFFICE
Control Number: n/a
Copy: SINGLE
Sent Date: 03-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977NICOSI02020
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770277-1315
Format: TEL
From: NICOSIA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t197708101/aaaadidi.tel
Line Count: 113
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c1c18c4e-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 NICOSIA 2014, 77 NICOSIA 2013
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Aug-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1404317
Secure: OPEN
Status: NATIVE
Subject: DEATH OF MAKARIOS - CONSTITUTIONAL PROVISIONS FOR SUCCESSION
TAGS: PGOV, CY, (MAKARIOS, ARCHBISHOP III)
To: STATE USEEC
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/c1c18c4e-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009